

Appl. No. 10/749,906
Amendment dated February 24, 2005
Reply to Office Action of August 24, 2004

REMARKS

Applicants have received and reviewed an Office Action dated August 24, 2004. For the reasons given below, Applicants submit that the pending claim is in condition for allowance and notification to that effect is earnestly solicited.

Petition for Extension of Time

It is noted that a three-month petition for extension of time is necessary to provide for the timeliness of the response. A request for such an extension is made extending the time for response from November 24, 2004 to February 24, 2005.

Oath/Declaration

The Examiner objected to the previously submitted oath or declaration. Accompanying this response please find a supplemental oath or declaration indicating that the plant was asexually reproduced.

Objection to Drawings

The Examiner objected to Figure 3. The Examiner suggested that Applicants submit a colored replacement drawing of the instant cultivar plant habit, stem including foliage, and inflorescence in duplicate. Applicants submit herewith a proper version of Figure 3 in duplicate.

Objection to the Disclosure

The Examiner requested that Applicants add details to the specification. Applicants submit herewith a substitute specification including the details requested by the Examiner (e.g., at pages 3-7 of the Office Action). No new matter is added.

Accordingly, Applicants submit that the disclosure complies with 37 C.F.R. § 1.163 and 35 U.S.C. § 112(1), and withdrawal of this objection is respectfully requested.

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35 U.S.C. § 112, First and Second Paragraphs

The Examiner rejected claim 1 as not being supported by a clear and complete botanical description of the plant. Applicants respectfully traverse this rejection.

The disclosure has been amended as suggested by the Examiner.

Specifically, for the information requested in item C, Applicants respectfully direct the Examiner's attention to the specification as filed at least at pages 3-11 and to the present additions to that text.

For the information requested in item Q, Applicants respectfully submit that a photograph is not required as the band similarities were calculated directly from the RAPD profiles from the agarose gels based on which the cluster diagram was made. The specification has been amended to describe this.

Accordingly, Applicants respectfully request withdrawal of this rejection.

Summary

Applicants submit that claim 1 is in condition for allowance and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative if prosecution may be assisted thereby.

Respectfully submitted,

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Date: Feb 24, 2005


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Amendments to the Drawings:

Pursuant to Examiner's request, attached is a color formal drawing of Figure 3. This sheet replaces the original sheet.

Attachment: Replacement Sheet